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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,158	12/15/2000	Lahcen Bennai	Q62302	8386

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT PAPER NUMBER

2663

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,158

Applicant(s)

BENNAI ET AL.

Examiner

Nittaya Juntima

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6 is/are rejected.
- 7) ☒ Claim(s) 2 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 8/16/2004.
2. The objections to the oath/declaration, specification, and claims are withdrawn in view of applicant's amendment.
3. Claims 1, 5, and 6 are presently rejected under 35 U.S.C. 102(b).
4. Claim 3 is rejected under 35 U.S.C. 103(a).
5. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

6. Claim 6 is objected to because of the following informalities: in line 2, "part" should be changed to "parts" to avoid a lack of antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Chitre et al. ("Chitre") (USPN 5,572,530).

Per claim 1, Chitre teaches a method of transmitting signaling data which relates to a telephone connection (ISDN call originated from one of the ISDN PBXs) having both signaling data (ISDN signaling messages) and message content parts (voice signals from ISDN PBX in Fig. 1), the method includes setting up a channel that conforms to another standard and does not conform to the ISDN standard (a satellite signaling channel is set up for a duration of a call, col. 2, ll 59-col. 3, ll 1-11), converting the signaling data conforming to ISDN standard into data in a format accepted by the channel conforming to the another standard and sending the converted signaling data (ISDN signaling is converted to CPP signaling and sent over a satellite signaling channel), and when it is received, converting the signaling data reciprocally into signaling data conforming to the ISDN standard format (at the terminating network, CPP signaling is converted back to ISDN signaling). See Fig. 2, col. 4, ll 58-col. 5, ll 1-18.

Per claim 5, Chitre teaches that the signaling data (ISDN signaling messages) comprises flow control data (connect, Fig. 2), security data (signaling messages as shown in Fig. 2), and message scheduling data (setup and release, Fig. 2).

Per claim 6, Chitre further teaches that data messages of said message content parts are sent on a channel other than said channel of a type that does not conform to the ISDN standard (user's information, i.e. voice signals, from ISDN B channel must be carried over a satellite channel different from a satellite signaling channel, col. 1, ll 34-49 and col. 2, ll 59-col. 3, ll 1-15).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chitre et al. ("Chitre") (USPN 5,572,530) in view of Estinto (USPN 6,411,797 B1).

Per claim 3, Chitre fails to teach that surveillance signals are sent periodically on the channel conforming to another standard, and correct operation of the channel conforming to the another standard is tested.

However, Estinto teaches that surveillance signals (a periodic test pattern) are sent on a satellite channel, and correct operation of the satellite channel is tested (a satellite channel is tested using a periodic test pattern, i.e. a known data sequence). See col. 2, ll 46-58 and col. 5, ll 44-60.

Given the teaching of Estinto, it would have been obvious to one skilled in the art at the time the invention was made to include that surveillance signals are sent periodically on the channel conforming to another standard, and correct operation of the channel conforming to the another standard is tested into the teaching of Chitre. The suggestion/motivation to do so would have been to utilizing the channel performance to reduce service downtime and provide useful reliability data for further transmission as taught by Estinto (col. 5, ll 57-61).

Conclusion

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

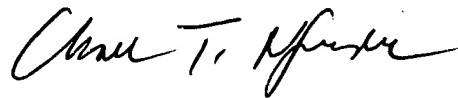
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
December 15, 2004
NJ



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SUPERVISORY PATENT EXAMINER
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